

weapons system cost reductions, service life extension, condition based maintenance, the DDG-51 v. Japanese AEGIS, Life Cycle Cost of the Trident, designing for reduced maintenance, and industry life cycle cost initiatives.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the **Federal Register** at least 15 days before the date of the meeting.

For further information concerning this meeting contact: Ms. Diane Mason-Muir, Office of Naval Research, Ballston Center Tower One, 800 North Quincy Street, Arlington, VA 22217-5660, Telephone Number: (703) 696-4870.

Dated: June 6, 1995.

**L. R. McNees,**

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 95-14331 Filed 6-8-95; 8:45 am]

BILLING CODE 3810-FF-P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval of the Office of Management and Budget (OMB) has been requested by June 5, 1995.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202-4651.

**FOR FURTHER INFORMATION CONTACT:**

Patrick J. Sherrill, (202) 708-9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339

between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: June 5, 1995.

**Gloria Parker,**

*Director, Information Resources Group.*

### Office of Elementary and Secondary Education

*Type of Review:* Expedited

*Title:* Safe and Drug-Free Schools and Communities Alternative Education Program

*Frequency:* Annually

*Affected Public:* State, Local or Tribal Governments

*Reporting Burden:* Responses: 1

*Burden Hours:* 11,200

*Recordkeeping*

*Burden:* Recordkeepers: 0

*Burden Hours:* 0

*Abstract:* This form will be used to establish, expand or improve model alternative education projects that have been designed for young people who have been expelled or suspended from their regular school program. The Department will use the information to make grant awards.

*Additional Information:* Clearance for this information collection is requested for June 5, 1995. An expedited review is requested in order to conduct a grant competition by August 15, 1995 and make awards by September 30, 1995.

[FR Doc. 95-14218 Filed 6-8-95; 8:45 am]

BILLING CODE 4000-01-M

### Arbitration Panel Decision Under the Randolph-Sheppard Act

**AGENCY:** Department of Education.

**ACTION:** Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

**SUMMARY:** Notice is hereby given that on July 22, 1993, an arbitration panel rendered a decision in the matter of *Albert W. Travers v. Maryland Division of Vocational Rehabilitation*, (Docket No. R-S/92-7). This panel was convened by the Department of Education pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by petitioner, Albert Travers, on May 22, 1992. The Randolph-Sheppard Act (the Act) provides a priority for blind individuals to operate vending facilities on Federal property. Under this section of the Act, a blind licensee, dissatisfied with the State's operation or administration of the vending facility program authorized under the Act, may request a full evidentiary hearing from the State licensing agency (SLA). If the licensee is dissatisfied with the SLA's decision, the licensee may file a complaint with the Secretary of Education, who then is required to convene an arbitration panel to resolve the dispute.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230, Switzer Building, Washington, DC. 20202-2738, Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal property.

### Background

The complainant, Albert W. Travers, is a blind vendor licensed by the respondent, the Maryland Division of Vocational Rehabilitation, pursuant to the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.* The Maryland Division of Vocational Rehabilitation (DVR) is the SLA responsible for the operation of the Maryland vending facility program for blind individuals.

The complainant operates a Randolph-Sheppard snack bar located on the ground floor of the Fallon Federal Office Building at 31 Hopkins Plaza, Baltimore, Maryland. This facility

is identified as Facility #63 by the SLA. The current permit listing items to be sold by Facility #63 provided that both hot and cold beverages may be sold. However, the permit did not specify the nature of the beverage nor were there restrictions on the type of container.

Located on the same floor with Facility #63 is another Randolph-Sheppard facility identified as Facility #54. Facility #54 was permitted to sell canned and bottled beverages in May of 1987.

In May 1990, the vendor at Facility #54 filed a grievance against Mr. Travers alleging unfair competition due to the sale of similar products. The SLA's regulations pursuant to the Code of Maryland Rules (COMAR) Section 13A provides for a committee of peers to review complaints between two or more blind vendors managing facilities on the same property. A peer review was conducted in June of 1990. On July 11, 1990, the peer review panel ruled in favor of complainant.

Subsequently, the vendor of Facility #54 appealed this decision and requested an administrative review, which was held on October 30, 1990. On November 9, 1990, the Director of the Office of Program and Administrative Support Services issued a determination that competition existed between Facilities #63 and #54. The decision of the SLA was to take steps to minimize the competitive situation between Facility #63 and Facility #54. The Director decided that Facility #54 should be authorized to sell canned and bottled sodas and that Facility #63 should be authorized to sell fountain sodas. The Director further decided that both Facility #54 and Facility #63 should be authorized to sell bottled water and canned and bottled juices.

On December 4, 1990, complainant requested a full evidentiary hearing to appeal the Director's decision. The hearing officer affirmed the Director of Office Program and Administrative Support Services' decision that Mr. Travers should not be permitted to sell bottled sodas. On April 10, 1992, the SLA affirmed the decision of the hearing officer.

The complainant, Albert Travers, on May 22, 1992, filed a request with the Secretary of Education to convene an arbitration panel to hear an appeal of his grievance. An arbitration hearing was conducted on March 16, 1993, pursuant to the Act. The complainant was challenging the SLA's actions on the grounds that (1) the SLA lacked the legal authority to act unilaterally to effectively amend the operating permits without the concurrence of either the

Federal property managing agency, GSA, or complainant and over the objections of both; (2) no basis was shown to restrict complainant's sale of non-natural bottled sodas, given the lack of any evidence concerning the impact of competition upon the operations conducted by complainant or by another program vendor; (3) the SLA failed to adhere to its own regulations and internal Administrative Manual in the handling of the unfair competition claim; and (4) the SLA improperly attempted to retroactively apply its Administrative Manual against complainant.

#### Arbitration Panel Decision

The majority of the panel found that the Randolph-Sheppard Act is silent on the issue of limiting competition between two or more program vendors at a single Federal installation. The Act does provide for a sharing of vending machine income in cases of more than one program vendor operating at a single Federal installation. The panel found that the SLA does have a legitimate interest in restricting "ruinous competition" between program vendors since "ruinous competition" would deprive one or both program vendors of the ability to survive economically and would be contrary to the intent of the Act.

The panel ruled that, based upon the record of evidence viewed in its entirety, the SLA's actions were arbitrary and capricious and unsupported by any specific factual evidence as to the impact of competition between Mr. Travers and the vendor of Facility #54 relating to the sale of bottled sodas. The panel reasoned that, absent that factual evidence, no conclusion could be drawn regarding the competition as unfair or ruinous. The SLA's actions were not supported procedurally or substantively or by its Administrative Manual or by any other cited regulatory or statutory authority that would allow the SLA to retroactively eliminate the sale of products that were authorized by the operating permit and that were not restricted by a valid operating agreement.

The panel found that the SLA failed to adequately take into account the fact that Mr. Travers had been selling bottled sodas for an extended period of time before the vendor of Facility #54 attempted to compete with him. The panel found that the final decision of the SLA arbitrarily and capriciously drew a distinction between "natural" bottled sodas and "non-natural" bottled sodas, which led to the absurd results of complainant selling exclusively bottled

7-Up and bottled Birch Beer and the vendor of Facility #54 selling bottled Diet 7-Up and bottled Root Beer. No rationale was provided for distinguishing between "natural" and "non-natural" sodas.

The panel directed the SLA to rescind its final agency determination regarding the restriction of complainant to sell bottled sodas. The SLA was precluded from attempting to force the complainant to sign an operating agreement that would contain such a restriction. The panel specifically noted the SLA's authority pursuant to State regulations to insist that complainant enter into a valid operating agreement governing the operation of his facility.

A panel member issued a concurring opinion but disagreed with the panel's findings that complainant's request for reimbursement for costs and attorney's fees was outside the jurisdiction of the panel. That panel member urged the panel to award costs of the arbitration to the complainant.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: June 6, 1995.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 95-14219 Filed 6-8-95; 8:45 am]

BILLING CODE 4001-01-P

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## DEPARTMENT OF ENERGY

### Nevada Operations Office; Acceptance of an Unsolicited Proposal

**AGENCY:** Nevada Operations Office (DOE/NV), Department of Energy.

**ACTION:** Acceptance of an Unsolicited Proposal.

**SUMMARY:** DOE/NV announces that pursuant to the DOE Financial Assistance Rules, 10 C.F.R. Section 600.14(f), it is awarding a grant to the Corporation for Solar Technology and Alternative Resources (CSTAR) of Las Vegas, Nevada, on the basis of acceptance of an unsolicited proposal.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Nevada Operations Office, ATTN: Kevin Thornton, P.O. Box 98518, Las Vegas, NV 89193-8518.

**SUPPLEMENTARY INFORMATION:** This award will provide financial support to CSTAR who will pursue highly leveraged renewable energy development, especially the commercialization of new technologies looking for market entry projects.